

Notice of Allowability

Application No.

09/678,168

Examiner

Akiba K. Robinson-Boyce

Applicant(s)

COCHRAN, ROBERT ALAN

Art Unit

3639

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communications filed 9/12/05.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert W. Bergstrom on 11/17/05.

The application has been amended as follows:

In claim 11, first line, after the word "claim" and before the word "wherein", the number "1" was replaced by the number "10".

Allowable Subject Matter

2. Claims 1-20 are allowed.

3. Since allowable subject matter has been indicated, applicant is encouraged to submit formal drawings in response to this Office Action. The early submission of formal drawings will permit the Office to review the drawings for acceptability and to resolve any informalities remaining therein before the application is passed to issue. This will avoid possible delays in the issue process.

4. The following is an examiner's statement of reasons for allowance. None of the prior art of record either individually or in combination teach the following:

-calculating a remaining time equal to the difference between the expected time for serving a request established for the request generating device and the time elapsed during servicing of the request when the time elapsed during servicing of the request is

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less than the expected time for serving a request established for the request generating device following servicing of each request from a request generating device.

-waiting for a length of time based on the calculated remaining time prior to servicing another request for the request generating device.

The present invention discloses a method and device for fairly servicing, by a request servicing device, electronic requests received by the request servicing device from request generating devices interconnected with the request receiving device. The first allowable feature of calculating a remaining time equal to the difference between the expected time for serving a request established for the request generating device and the time elapsed during servicing of the request when the time elapsed during servicing of the request is less than the expected time for serving a request established for the request generating device following servicing of each request from a request generating device is not disclosed by any prior art reference. The closest prior art, Freeland et al (US 4,262,331) shows an apparatus and method for allocating servicing time by a Central Processing Unit to several Peripheral Processing Units. The next closest prior art, Kilkki et al (US 6,011,778) discloses a timer initiated system and method for controlling cell transmission from a network source unit to network destination units across a network connection. The next closest prior art, Storch et al (US 5,920,846) discloses an integrated system and method for processing service requests for installation, maintenance, or repair of a local loop maintained by a telecommunications company. However, Freeland et al, Kilkki et al, Storch et al, all fail to disclose the feature of calculating a remaining time equal to the difference between

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the expected time for serving a request established for the request generating device and the time elapsed during servicing of the request when the time elapsed during servicing of the request is less than the expected time for serving a request established for the request generating device following servicing of each request from a request generating device. This distinct feature has been added to independent claims 1 and 10, and renders them and all claims that depend from them (claims 2-9, and claims 11-20 respectively) allowable.

The second allowable feature of waiting for a length of time based on the calculated remaining time prior to servicing another request for the request generating device is not disclosed by any prior art reference. The closest prior art, Freeland et al (US 4,262,331) shows an apparatus and method for allocating servicing time by a Central Processing Unit to several Peripheral Processing Units. The next closest prior art, Kilkki et al (US 6,011,778) discloses a timer initiated system and method for controlling cell transmission from a network source unit to network destination units across a network connection. The next closest prior art, Storch et al (US 5,920,846) discloses an integrated system and method for processing service requests for installation, maintenance, or repair of a local loop maintained by a telecommunications company. However, Freeland et al, Kilkki et al, Storch et al, all fail to disclose the feature of waiting for a length of time based on the calculated remaining time prior to servicing another request for the request generating device. This distinct feature has been added to independent claims 1 and 10, and renders them and all claims that depend from them (claims 2-9, and claims 11-20 respectively) allowable.

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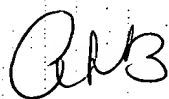
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

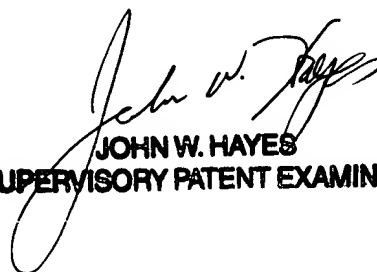
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Tuesday 8:30am-5pm, and Wednesday, 8:30 am-12:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7238 [After final communications, labeled "Box AF"], 703-746-7239 [Official Communications], and 703-746-7150 [Informal/Draft Communications, labeled "PROPOSED" or "DRAFT"].

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



A. R. B.
November 18, 2005



JOHN W. HAYES
SUPERVISORY PATENT EXAMINER